

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
E911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
)	
)	
)	

Second Subscriber Notification and Acknowledgement and Compliance Report

Primus Telecommunications, Inc. ("Primus") hereby submits this Second Subscriber Notification and Acknowledgement and Compliance Report in accordance with the Further Guidance provided by Enforcement Bureau of the Federal Communications Commission ("Commission") on August 26, 2005.¹

I. INTRODUCTION.

Primus provides a voice over internet protocol ("VoIP") solution that falls within the scope of Section 9(e) of the Commission's Rules in the above-referenced docket.² Although this technology involves both landline and VoIP circuits attached to the same Customer Premise Equipment ("CPE") and is similar to the service that is the subject of a Petition for Reconsideration/Clarification and/or Waiver currently before the

¹ Public Notice, "Enforcement Bureau Provides Further Guidance to Interconnected Voice over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement," DA 05-2358 (rel. August 26, 2005).

² While this business VoIP product is part of Primus's product suite, it was not actively being marketed by the business units. In May/June 2005, Primus went through a reorganization and the new organization plans to implement a renewed marketing effort for this product.

Commission,³ Primus has issued a 911 safety advisory (“Advisory”) and is taking steps to obtain acknowledgements regarding that Advisory. As of the date of this filing, Primus has not received acknowledgements from 100% of its customers, and is submitting this Second Subscriber Notification and Compliance Report so that the Commission will continue to refrain from taking any enforcement action against Primus as described in the Further Guidance. Primus is hereby updating its August 10, 2005, Subscriber Notification and Compliance Report (“Initial Report”) as described below.

II. PRIMUS’S UPDATES TO ITS INITIAL REPORT.

A. A detailed explanation regarding current compliance with the notice and warning sticker requirements if Primus did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline.

As described in II(D) of Primus’s Initial Report, Primus sent 100% of its subscribers VoIP Advisories and 99% of its subscribers stickers (or other appropriate labels) as of August 10, 2005. The 99% figure represented one new customer that signed up for service during the week in which Primus’s Initial Report was filed (see Footnote 4, Initial Report), and Primus confirms that it mailed stickers to that customer on August 11, 2005.

B. A quantification of how many of Primus’s subscribers, on a percentage basis, have submitted an affirmative acknowledgement (as of September 1, 2005) and an estimation of the percentage of subscribers from which they do not expect to receive an acknowledgement by September 28, 2005.

As of 9 a.m. EST, September 1, 2005, Primus has received affirmative acknowledgements from seventy-nine percent (79%) of its subscribers. This is an increase of twenty-nine percentage points (29%) from Primus’s Initial Report. While Primus continues to take a variety of steps to receive acknowledgments from 100 percent

³ See “Petition for Reconsideration/Clarification and/or Waiver by Comptel,” filed July 29, 2005.

of its subscribers by September 28, 2005, Primus estimates that it probably will not receive acknowledgements from approximately ten percent (10%)⁴ of its subscriber base by September 28, 2005, based on the customer's usage, and Primus's inability to contact the customer.

C. A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the Advisory.

Customers That Currently Have Not Acknowledged the Advisory. Primus described in its Initial Report that Primus began an outbound calling campaign on August 2, 2005 to those subscribers that had not returned their Advisory acknowledgements, urging subscribers to return the acknowledgements as soon as possible. For those unresponsive customers that Primus was able to contact via phone, Primus then made numerous follow up calls to each customer; to date, each subscriber has received at least four (4) follow up phone calls. If Primus could not reach the subscriber via phone, Primus then e-mailed the subscriber and followed up accordingly; to date, most of the unresponsive subscribers who have not returned their Advisory acknowledgements have been sent at least four (4) e-mails. During the month of September, Primus will continue attempting to contact these customers via phone and e-mail, as well as certified mail.

Customers That Have Not Acknowledged as of September 29, 2005. For customers that have not acknowledged the Advisory as of September 29, 2005, Primus intends to take all actions legally required, including potentially suspending service.

⁴ At this time Primus anticipates that the 10% of customers that fail to respond will consist of companies that never used this product.

D. A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005.

Primus's VoIP service does not have a 911 feature, as it only provides long distance service, and local calls are provided to the subscriber by a POTS line attached to the same CPE. Therefore, Primus does not have the technology to support a "soft" or "warm" disconnect, and will not be using that solution as of September 28, 2005.

Respectfully Submitted,

PRIMUS TELECOMMUNICATIONS, INC.



Joe DiMaio
Vice President
7901 Jones Branch Drive, #900
McLean, VA 22102

September 1, 2005

cc: Byron McCoy
Kathy Berthot
Janice Myles
Best Copy and Printing